

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 03, 2005

DIVISION ONE

B172607 James F. O'Toole Company Inc. (Certified for Publication)
v.
Los Angeles Kingsbury Court Owner's Assoc.

The judgment is affirmed. O'Toole is awarded his costs on appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Suzukawa, J. (Assigned)

B169745 People (Not for Publication)
v.
Alfonso Cabrera

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
Suzukawa, J. (Assigned)

B172942 People (Not for Publication)
v.
Rafael U. Villegas

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Suzukawa, J. (Assigned)

February 03, 2005 (Continued)

DIVISION ONE (Continued)

B172149 People (Not for Publication)
v.
Richard Bauwin

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

B175246 People (Not for Publication)
v.
Antoine L. Washington

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

B176521 Los Angeles County, D.C.S. (Not for Publication)
v.
Maria R.
In Re: Max R., et al.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
Suzukawa, J. (Assigned)

February 03, 2005 (Continued)

DIVISION ONE (Continued)

B173905 Rokni (Not for Publication)
v.
Mostadim et al.

The judgment of dismissal is affirmed. Defendants are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
Suzukawa, J. (Assigned)

B165018 Moore (Not for Publication)
v.
Kaufmann
Diaz

The orders are affirmed. Kaufman is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

B171322 Metcalf et al. (Not for Publication)
v.
Nash & Edgerton et al.

The judgment is affirmed. Werner dal is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B172733 Pascual (Not for Publication)
v.
Cardenas et al.

The appeal is dismissed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B169179 Frasier, Jr., etc. (Not for Publication)
v.
Hanson

The judgment is affirmed. Daniel is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B171069 Tailored Systems, Inc., et al. (Not for Publication)
v.
Rabin et al.

The judgment is affirmed. Tailored Systems and Covington are awarded their costs of appeal, including attorneys' fees in an amount to be determined by the trial court.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Suzukawa, J. (Assigned)

DIVISION TWO

B168767 Barnett et al (Not for Publication)
 v.
 Truong et al

The judgment is affirmed. Respondent(s) to recover costs.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
 Doi Todd, J.

B171163 People (Not for Publication)
 v.
 Mins

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
 Doi Todd, J.

B175721 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Daniel E.

The juvenile court's order denying father's section 388 petition without a hearing is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

February 03, 2005 (Continued)

DIVISION TWO (Continued)

B166927 Royas (Not for Publication)
v.
Mercedes-Benz USA, INC, et al.

The judgment and order of the trial court are affirmed. Respondent(s) to recover costs.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B174256 Robianes et al. (Not for Publication)
v.
County of Los Angeles

The order and judgment of the trial court are reversed. Appellants are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B174813 Robert M. Berry Realty, INC. (Not for Publication)
v.
S & A Freshman Family Properties

The order granting summary judgment is affirmed. The seller is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B173383 Hill (Not for Publication)

v.
City of Glendale
Mart

The judgment is affirmed. The City and Mart shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B173419 Helen Moulton (Not for Publication)

v.
County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FIVE

B171554 Joan Glatt et al. (Not for Publication)

v.
Sheldon S. Ellis

The judgment is affirmed. Plaintiffs are awarded their costs on appeal.

Kriegler, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B175723 Los Angeles County, D.C.S. (Not for Publication)
v.
George N.,
In re Peyton N.

The judgment is affirmed.

Kriegler, J. (Assigned)

I concur: Mosk, J.
I dissent: Armstrong, Acting P.J. (Opinion)

B173350 People (Not for Publication)
v.
Clemente Perez

The judgment on counts 5, 6, 7 and 9 is affirmed. The judgment on counts 1 through 4 is reversed and this matter is remanded to the trial court with directions to conduct an in camera hearing on appellant's Pitchess motion consistent with this opinion. If the hearing reveals no discoverable information in the officers' personnel files, the trial court is ordered to reinstate the original judgment and sentence and the judgment is ordered affirmed. If there is discoverable material in any of those files, it should be turned over to appellant so that he may determine whether that material would have led to any relevant, admissible evidence that he could have presented at trial. If appellant is able to demonstrate that he was prejudiced by the earlier denial of discovery, the trial court should order a new trial. If appellant is unable to demonstrate prejudice, the trial court is ordered to reinstate the original judgment and sentence and the judgment is ordered affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J. (Assigned)

February 03, 2005 (Continued)

DIVISION FIVE (Continued)

B169461 Assessment Appeals Services (Not for Publication)
 v.
 Corolla Centers, Inc. et al

The judgment is affirmed. Each party to bear their own costs.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J. (Assigned)

DIVISION SIX

B175680 People
 v.
 Smith

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B168494 People v. Sluch
B170809 People v. Moreno
B175296 People v. Kratz
B175693 People v. Jose M.
B175975 People v. DeLaTorre

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B168745 People
 v.
 Hannani

Merits:
Argued by Andrew Flier for appellant and by Jennifer Jadovitz, Deputy Attorney General for respondent. Cause submitted.

B173378 People
 v.
 Quijada

Merits:
Argued by Sean Ellis for appellant and by Marc Turchin, Deputy Attorney General for respondent. Cause submitted.

B174141 People
 v.
 Perales

Merits:
Argued by Adam Axelrad for appellant and by Robert Breton, Deputy Attorney General for respondent. Cause submitted.

B172577 Grimwade
 v.
 Alberti

Merits:
Argued by Paul Cohen for appellant and by Richard Grimwade respondent in propria persona. Cause submitted.

DIVISION SEVEN (Continued)

B167527 Slack
 v.
 Karlan

Merits:
Argued by David Huffaker for appellant and by Kenneth Pivo for
respondent. Cause submitted.

B167220 Yitzchak K. et al.
 v.
 Los Angeles Unified School District

Merits:
Argued by Roxanne Huddleston for appellants and by Rita Gunasekaran for
respondents. Cause submitted.

B170618 Sanai
 v.
 The Irvine Co. et al.

Merits:
Argued by Cyrus Sanai for appellant in propria persona and by Michael
Saltz for respondents. Cause submitted.

Court recessed at 11:58 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy
Clerk.

B177070 DCFS v. Glenn K.

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B171583 Giampietro

v.

Whole Foods Market et al.

Merits:

Argued by Benjamin Nutley for appellant and by Mark Chassman and John Kendrick for respondents. Cause submitted.

B172414 Viguez

v.

Long Beach Unified School District

Merits:

Argued by Enrique Vassallo for appellant and by Henry Willis for respondent. Cause submitted.

B171910 Casden

v.

Casden et al.

Merits:

Argued by Hillel Chodos for appellant and by Thomas Nolan for respondents. Cause submitted.

B168171 Rio Vista Associates et al.

B169608 v.

American Auto Insurance et al.

Merits:

Argued by Timothy Reuben for appellants and by Robert Shupe, Asim Desai, Keith Turner, Bryan Weiss and James Fitzgerald for respondents. Cause submitted.

Court adjourned at 4:41 p.m.